

**STEPHEN HURLEY,
MICHAEL WOOD,
RANDY CURRIE,
FRANCIS TALORICCO, JR., and
RENEE DOUGHERTY,
Plaintiffs,**

NO. 18-5320

ORDER

1. That part of defendant's Motion to Dismiss seeking dismissal of plaintiffs' claims for lack of standing and absence of subject matter jurisdiction is **DENIED WITHOUT PREJUDICE** to defendant's right to raise those issues after completion of discovery by motion for summary judgment and/or at trial if warranted by the facts and applicable law as set forth in the accompanying Memorandum dated April 2, 2020.

2. That part of defendant's Motion to Dismiss seeking dismissal of plaintiffs' claims under the Pennsylvania Unfair Trade Practices and Consumer Protection Law, 73 Pa. Cons. Stat.

§ 201-1 *et seq.* in Count IV of the First Amended Complaint is **GRANTED** and all such claims are **DISMISSED WITH PREJUDICE**.

3. That part of defendant's Motion to Dismiss seeking dismissal of plaintiffs' express warranty claims under state law and the Magnuson-Moss Warranty Act, 15 U.S.C. §2301, *et seq.* in Counts I and II of the First Amended Complaint is **DENIED WITHOUT PREJUDICE** to defendant's right to raise that issue after completion of discovery by motion for summary judgment and/or at trial if warranted by the facts and applicable law as set forth in the accompanying Memorandum dated April 2, 2020.

4. That part of defendant's Motion to Dismiss seeking dismissal of plaintiffs' implied warranty claims under state law and the Magnuson-Moss Warranty Act, 15 U.S.C. §2301, *et seq.* in Counts I and III of the First Amended Complaint is **GRANTED** and all such claims are **DISMISSED WITHOUT PREJUDICE** to plaintiffs' right to file a second amended complaint within fifteen (15) days asserting those claims if warranted by the facts and applicable law as set forth in the accompanying Memorandum dated April 2, 2020.

5. That part of defendant's Motion to Dismiss seeking severance of plaintiffs' claims is **DENIED**.

6. Defendant's Motion to Dismiss is **DENIED** in all other respects.

IT IS FURTHER ORDERED that a Preliminary Pretrial Conference will be scheduled in due course. Discovery may proceed in the interim.

BY THE COURT:

/s/ **Hon. Jan E. DuBois**

DuBOIS, JAN E., J.